

REMARKS/ARGUMENTS

This Amendment is being filed as a Preliminary Amendment in a Request for Continued Examination of the subject patent application and responds to the Examiner's rejection in the Final Office Action of October 6, 2005. Accompanying the Request for Continued Examination and this Amendment are a Statement Under 37 CFR 3.73(b) by the new owners of the application referring to the Reel and Frame where the Assignment is recorded. Also, transmitted herewith is a new Power of Attorney and a Petition for an Extension of Time, together with payment of the fees for the Extension and for the Request for Continued Examination.

The claims in the application were first rejected in an Office Action mailed May 12, 2004 under 35 USC 102(e) on the Chen reference. Applicant filed a response on September 15, 2004 which included a Rule 131 Affidavit showing that applicant had made his invention prior to the filing date of the Chen patent. In the Final Office Action of October 6, 2005, the Examiner held that the Affidavit was insufficient. Applicant respectfully requests reconsideration in view of the following remarks.

First, applicant has renumbered the misnumbered claim 32 so it is now claim 33.

Second, applicant requests reconsideration of the sufficiency of the Rule 131 affidavit which was filed on May 27, 2005 or, in the alternative consideration of applicant's demonstration that his invention is patentable over Chen. Regarding the Affidavit, the Examiner stated that the Exhibits, namely A-1, A-2, and B-1, were in the nature of a "vague and general statement which does not even describe in broad terms what the exhibits show." Applicant submits that the exhibits are self-explanatory. In this regard applicant would like to point out that his mobile data system with automated shutdown as

set forth in claim 1 comprises five elements which are found in the exhibits, namely,

a) a system computer having means for informational data retrieval and means for creating a system shutdown command in response to parameter comparison data;

b) a system interface device electrically coupled with said vehicle electrical power source to receive variable voltage electrical power;

c) a computer power supply positioned in series between said system computer and said system interface device and electrically coupled with said system interface device and said system computer to receive said available voltage electrical power from said system interface device;

d) means for creating said parameter comparison data, and

e) means for interrupting transmission of said voltage regulated electrical power from said computer power supply.

Applicant submits that the above claim elements are shown and supported by the diagram in A-1 and A-2, together with the description in B-1. Specifically, the system computer and computer operating system are shown, the system interface including the smart controller is shown, the power supply is shown, the means for creating parameters by the shut-down control software is shown and the means for turning off the power supply is also included. Accordingly, it is submitted that the block diagrams and the description clearly show that applicant had not only conceived but the diagrams represent a reduction to practice and that from them the system can be made. Thus,

applicant invented his invention prior to the filing date of the Chen patent which should now be removed as a reference.

Third, in the alternative, if the Examiner maintains his refusal to accept the Rule 131 Affidavit as removing the Chen reference, applicant now will point out that Chen does not anticipate nor make obvious applicant's invention. Regarding the rejection on 35 USC 102(e), it is significant that the invention in Chen as clearly defined in Chen's claims requires "driving said shut-off controller to received an On/Off signal from the ignition switch of said vehicle..." Applicant's invention does not have a connection to the ACC On/Off switch or to the ignition key switch. Applicant's invention detects the engine is off or on by monitoring the voltage from the charging system. There is no connection to the vehicle ignition ON/OFF switch. This simplifies installation and wiring requirements. Applicant's interface device is as stated in the second limitation of applicant's claim "a system interface device electrically coupled with said vehicle electrical power source to receive variable voltage electrical voltage from the vehicle electrical power source." Chen does not describe or suggest such. Thus, Chen can not anticipate nor make obvious applicant's invention.

Another distinction of applicant's invention over the Chen reference is that applicant's invention provides the means for the operator to override the automatic shut-down in an emergency situation which is the "means for interrupting transmission..." in claim 1, last element.

Furthermore, Chen's claims do not mention the vehicle charging system and means for detecting that the charging system was operating or detecting a low battery condition for which applicant does provide.

In applicant's claim 4 the interruption means in said system interface device for creating and enabling switch control signal in response to said system shutdown and is independent of the system computer whereas Chen requires a shutoff signal from the system computer as mentioned in his claim 11.

As specified in claim 5, the microprocessor with the system interface operating program does not monitor the state of the ACC ON/OFF state as Chen does. There is no connection to the ACC ON/OFF switch. As stated earlier, this simplifies installation and wiring requirements. Applicant's interface device connects directly to the vehicle electrical power source and not to the ACC ON/OFF.

In applicant's claim 7 it is specified that the system power switch is not the vehicle ignition switch. The system power switch is not needed.

In applicant's claims 8-11, the comparison is directly with the vehicle charging system, not the vehicle ignition system or the ACC ON/OFF switch. To accomplish this applicant prepares analog data and not a digital ON/OFF state as Chen does.

In applicant's claim 13, the comparison of the parameter comparison data is actually done on the interface device, not the system computer. The results of the comparison are reported back to the system computer.

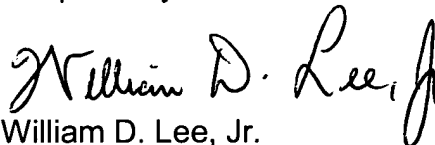
Applicant's claim 17 again, as stated, is distinct from Chen because no ACC OFF/ON switch is required. This distinction carries through the remaining claims of applicant, namely, claims 18-33.

Fourth, turning now to the rejections on 35 USC 103, applicant's invention is not made obvious by the addition of Palatov as the deficiency of Chen as shown above is not addressed.

Regarding the rejection of claims on the combination of Chen and Gray et al., again it is pointed out that applicant does not monitor the ignition system and does not need a connection to the ignition switch to determine if the engine is off or on. This simplifies installation and wiring requirements.

In conclusion, applicant respectfully submits that his claims 1-33 are not anticipated or made obvious by the cited art. Furthermore, applicant requests that the Chen reference be removed because of applicant's invention and reduction of practice prior to the filing date of Chen.

Respectfully submitted,

A handwritten signature in black ink that reads "William D. Lee, Jr." with a stylized flourish at the end.

William D. Lee, Jr.
Registration No. 22,660
McNAIR LAW FIRM, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261
Attorney for the Applicant